

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<u>SECOND FINAL ORDER OF</u>
	:	<u>FORFEITURE</u>
-v.-	:	
	:	S2 22 Cr. 251 (LJL)
RAFAEL MARTINEZ,	:	
	:	
Defendant.	:	
	:	
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WHEREAS, on or about March 24, 2023, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 66), which ordered the forfeiture to the United States of all right, title and interest of RAFAEL MARTINEZ (the “Defendant”) in, *inter alia*, the following property:

- a. The real property commonly described as 21 Shinnecock Trails, Franklin Lakes, New Jersey 07417, more particularly described as Lot 7.01 on Block 1106.05 in the Municipality of Franklin Lakes in Bergen County, as recorded on April 15, 2021, and associated with Document No./Book-Page: 2021057494 / 4081-102 (the “New Jersey Property”); and
- b. The real property commonly described as a 1.19-acre lot on Costamar 10, Casa De Campo, 22000 Buena Vista, Dominican Republic, at the location with Global Positioning System coordinates 18.42557, -68.96918 (the “DR Property”),

(a. and b., collectively, the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written

notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on July 26, 2023, for thirty (30) consecutive days, through August 24, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on April 18, 2024 (D.E. 100);

WHEREAS, the New Jersey Property is owned by Republic Holdings, LLC;

WHEREAS, the DR Property is solely owned by Parkdale Assets Corp. ("Parkdale") and the Defendant is the sole director and owner of Parkdale.

WHEREAS, on or about June 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following parties:

Chelsea Martinez
c/o Cesar de Castro, Esq.
111 Fulton Street, Suite 602
New York, NY 10038

Carra Wallace
c/o Max Nicholas, Esq.
Spears & Imes LLP
767 3rd Avenue

New York, NY 10017

Louis Green
c/o George B. Donnini, Esq.
Butzel Attorneys and Counselors,
201 West Big Beaver Road, Suite 1200
Troy, MI 48084

(collectively, the “First Noticed Parties”);

WHEREAS, on or about September 14, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following party:

JP Morgan Chase NA
700 Kansas Lane RCO Centralized Mail, Mail Code: LA4-7300
Monroe, LA 71203-4774

(the “Second Noticed Party”);

WHEREAS, on or about November 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via electronic mail to MBE Capital Partners, LLC c/o Willkie Farr & Gallagher, Michael Schacter, Esq. (the “Third Noticed Party”);

WHEREAS , on or about January 19, 2024, Notice of the Preliminary Order of Forfeiture was sent via certified mail to the following party:

Republic Holdings, LLC
c/o Shannon Garrahan, Esq.
2 Forest Avenue, Suite 2
Oradell, NJ 07649-1959

(the “Fourth Noticed Party”);

WHEREAS, on or about January 24, 2024, Notice of the Preliminary Order of Forfeiture was sent via FedEx to the following party:

Republic Holdings, LLC
c/o Michael S. Schachter, Esq.
787 Seventh Avenue
New York, NY 10019-6099

(the “Fifth Noticed Party”);

WHEREAS, on or about March 5, 2024, Notice of the Preliminary Order of Forfeiture was sent via electronic mail to Parkdale Assets Corp. c/o Michael Schacter, Esq. (collectively with the First Noticed Parties, the Second Noticed Party, the Third Noticed Party, the Fourth Noticed Party, and the Fifth Noticed Party, the “Noticed Parties”);

WHEREAS, since final publication of the Notice of Forfeiture, thirty (30) days have expired and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant and the Noticed Parties are the only individuals and/or entities known by the Government to have a potential interest the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property including but not limited to the interest of Republic Holdings, LLC and Parkdale Assets Corp., is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Department of Treasury (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
April 19, 2024

SO ORDERED:

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line.

HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE